

1 RONALD J. TENPAS
Assistant Attorney General
2 Environment & Natural Resources Division
United States Department of Justice
3 950 Pennsylvania Ave., N.W.
Washington, DC 20530

4 JAMES R. MacAYEAL
5 E-mail: jamie.macayeal@usdoj.gov
Trial Attorney Environmental Enforcement Section
6 Environment & Natural Resources Division
United States Department of Justice
7 P.O. Box 7611
Washington, D.C. 20044-7611
8 Telephone: (202) 616-8777
Facsimile: (202) 514-2583

9 THOMAS P. O'BRIEN
10 United States Attorney
LEE WEIDMAN
11 Assistant United States Attorney
Chief, Civil Division
12 300 North Los Angeles Street, Room 7516
Los Angeles, California 90012
13 Telephone: (213) 894-2408

14 Attorneys for the United States of America

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

17 UNITED STATES OF AMERICA,)
18)
Plaintiff,) Case No.
19)
v.) COMPLAINT
20)
RIVERTON PROPERTIES, INC.)
21 and THE JOAN W. GREGG)
REVOCABLE TRUST,)
22)
Defendants.)
23)

24 The United States of America ("United States"), by the
25 authority of the Attorney General of the United States, and
26 through the undersigned attorneys, acting at the request and on
27 behalf of the Administrator of the United States Environmental
28 Protection Agency ("EPA"), alleges as follows:

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1 North Hollywood, California.

2 5. Defendant The Joan W. Gregg Revocable Trust (the
3 "Trust") is a California trust with its principal place of
4 business in North Hollywood, California. The Trust owns all the
5 common stock of Riverton.

6 GENERAL ALLEGATIONS

7 6. From 1958 to 1996, Pen Air Parts operated the Site as a
8 buyer and seller of vintage aircraft gauges and stored numerous
9 vintage aircraft gauges at the Site. In 1996, Preservation
10 Aviation, Inc. purchased Pen Air Parts and continued the same
11 operations at the Site. Jeffrey Pearson owns and operated
12 Preservation Aviation.

13 7. Prior to 2001, the Trust owned the Site and leased the
14 Site to Pen Air Parts and after 1996 to Preservation Aviation,
15 for the storage and sale of vintage aircraft gauges.

16 8. In 2001, the Gregg Trust transferred ownership of the
17 Site to Riverton. Riverton then became the lessor to
18 Preservation Aviation.

19 9. In 1999, the California Department of Health Services
20 and the Los Angeles County Department of Health found
21 Preservation Aviation to be in violation of California's Health
22 and Safety Code due to radioactive contamination throughout the
23 Site. The source of the contamination was leakage from old
24 aircraft instruments containing radioactive materials.

25 10. In 2001, the California Department of Health Services
26 ordered Preservation Aviation to cease operations and to perform
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1 a cleanup of the Site. By 2004, Preservation had not complied
2 with the order, and the Los Angeles County Department of Health
3 Services requested assistance from EPA in conducting an
4 assessment at the Site.

5 11. EPA conducted a removal assessment in May 2004 and
6 found substantial contamination of radium-226 and radon-222
7 throughout the warehouse and storage yard at the Site. Based on
8 the Site's proximity to a public street and residences, and the
9 fire risk posed by Site conditions, EPA determined that an
10 emergency removal was necessary.

11 12. In August 2004, EPA issued a Unilateral Administrative
12 Order under Section 106 of CERCLA, 42 U.S.C. § 9606, to Pearson,
13 Preservation Aviation, the Trust and Riverton to take response
14 actions, but they did not comply with the order.

15 13. EPA completed the removal action with money from the
16 Hazardous Substance Response Trust Fund originally established by
17 Section 221 of CERCLA, 42 U.S.C. § 9631, and now called the
18 "Hazardous Substance Superfund" or "Superfund". 26 U.S.C. §
19 9507. Ultimately, the removal involved sending contaminated
20 items off-site for disposal and removal of a warehouse building.
21 EPA completed the removal action reports in December 2007.

22 14. Section 107(a) of CERCLA, 42 U.S.C. §9607(a), provides
23 in pertinent part:

24 Notwithstanding any other provision or rule of
25 law, and subject only to the defenses set forth in
26 subsection (b) of this section --

27 (1) the owner and operator of a . . . facility,
28

1 (2) any person who at the time of disposal of any
2 hazardous substances owned or operated any facility at
which hazardous substances were disposed of,

3 * * *
4 from which there is a release, or a threatened release
5 which causes the incurrence of response costs, of a
hazardous substance, shall be liable for --

6 (A) all costs of removal or remedial action
7 incurred by the United States Government . .
8 . not inconsistent with the national
contingency plan. . . .

8 42 U.S.C. § 9607(a).

9 15. The Site was contaminated with the hazardous
10 substances, including but not limited to, radium-226 and
11 radon-222. The Site is a facility as defined in Section 101(9)
12 of CERCLA, 42 U.S.C. § 9601(9).

13 16. There was a release of and threat of release of
14 hazardous substances at or from the Site, and EPA incurred
15 removal costs responding to the release and threatened release of
16 hazardous substances at and from the Site.

17 FIRST CLAIM FOR RELIEF
18 (Cost Recovery against Riverton
as Owner and Owner during Disposal)

19 17. Plaintiff realleges and incorporates by reference
20 paragraphs 1 through 16 as if fully set forth herein.

21 18. Riverton owned the Site during the time that hazardous
22 substances were disposed of at the Site.

23 19. Riverton is liable under CERCLA as the owner of a
24 facility, and the owner of a facility during the time of disposal
25 of hazardous substances, from which facility there has been a
26 release or a threatened release of a hazardous substance.

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1 20. Riverton is jointly and severally liable to the United
2 States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for
3 all costs incurred by the United States in connection with the
4 Site that are not inconsistent with the National Contingency
5 Plan.

6 SECOND CLAIM FOR RELIEF
7 (Cost Recovery against the
8 Trust as Owner during Disposal)

9 21. Plaintiff realleges and incorporates by reference
10 paragraphs 1 through 16 as if fully set forth herein.

11 22. The Trust owned the Site during the time that hazardous
12 substances were disposed of at the Site.

13 23. The Trust is liable under CERCLA as the owner of a
14 facility during the time of disposal of hazardous substances,
15 from which facility there has been a release or a threatened
16 release of a hazardous substance.

17 24. The Trust is jointly and severally liable to the United
18 States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for
19 all costs incurred by the United States in connection with the
20 Site that are not inconsistent with the National Contingency
21 Plan.

22 THIRD CLAIM FOR RELIEF
23 (Declaratory Judgment
24 against Defendants)

25 25. Plaintiff realleges and incorporates by reference
26 paragraphs 1 through 24 as if fully set forth herein.

27 26. Plaintiff is entitled to entry of a declaratory
28 judgment that Riverton and the Trust are jointly and severally

1 liable for all future costs of removal and remedial action
2 incurred in response to a release or threatened release of a
3 hazardous substance at or from the Site, not inconsistent with
4 the National Contingency Plan.

5 PRAYER FOR RELIEF

6 WHEREFORE, the United States prays that this Court:

7 A. Enter judgment against Defendants, jointly and
8 severally, in favor of the United States for all previously
9 unreimbursed costs of removal and remedial action incurred by the
10 United States in response to the release or threatened release of
11 a hazardous substance at or from the Site, plus interest;

12 B. Enter a declaratory judgment against Defendants and in
13 favor of the United States declaring the Defendants liable,
14 jointly and severally, for all costs of removal or remedial
15 action to be incurred by the United States in response to the
16 release or threatened release of a hazardous substance at or from
17 the Site, not inconsistent with the National Contingency Plan;
18 and

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1 C. Grant such other relief as the Court deems just and
2 proper.

3 Respectfully submitted,

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5 Dated: 14 April 2008

6 RONALD J. TENPAS
7 Assistant Attorney General
8 Environment & Natural Resources Division
9 United States Department of Justice

10 Dated: _____

11 JAMES R. MacAUL
12 Trial Attorney
13 Environmental Enforcement Section
14 Environment & Natural Resources
15 Division
16 United States Department of Justice
17 P.O. Box 7611
18 Washington, D.C. 20044-7611

19 THOMAS P. O'BRIEN
20 United States Attorney
21 LEE WEIDMAN
22 Assistant United States Attorney
23 Chief, Civil Division
24 300 North Los Angeles Street, Room 7516
25 Los Angeles, California 90012
26 Telephone: (213) 894-2408

27 Of Counsel:

28 TALY JOLISH
Assistant Regional Counsel
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105